UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,666	02/14/2001	Reiner Kraft	ARC920010009US1	9116

28342 7590 07/05/2005

SAMUEL A. KASSATLY LAW OFFICE
20690 VIEW OAKS WAY
SAN JOSE, CA 95120

EXAMINER	
SIDDIQI, MOHAMMAD A	

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/783,666
Filing Date: February 14, 2001
Appelant(s): KRAFT ET AL.

Reiner Kraft
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/17/2004.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(7) Grouping of Claims

The rejection of claims 1-10 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

5,948,040	Delorme	Sep. 7, 1999
6,026,388	Liddy	Feb, 15, 2000

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-28 rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme et al. (5,948,040) (hereinafter DeLorme) in view of Liddy et al. (6,026,388) (hereinafter Liddy).

As per claims 1 and 21, DeLorme discloses a method for automatic relevance-based preloading data to a computing device (Col. 48, lines 5-33), comprising:

identifying any one or more of persons or current scheduled tasks prior to the occurrence of the tasks (Fig. 5, Col. 48, lines 47-67);

analyzing the relevance of stored data (Col. 49, lines 1-6) to any one or more of the current scheduled tasks or persons (Col. 49, lines 1-32);

sorting the stored data based (Col. 49, lines 51-59) upon the relevance to any one or more of the current scheduled tasks or persons (Col. 49, lines 33-59);

setting a predetermined relevance threshold (Col. 48, lines 5-33, zip code, phone exchange areas are setting relevance threshold), and

automatically preloading (pre-arranged, Col., 46, lines 55-67, Col. 48, 30-33, transferring is preloading) selected sorted data to the computing device (Col. 48, lines 25-33) with a higher (array, sorting, Fig. 6, Col. 53, lines 1–44) than the relevance threshold (intended departure time, when, where, who to visit, or what to do, are the inherent threshold values in the

context of this invention, Fig. 6, Col. 5, line 61, Col. 53, lines 15-44,Col. 48, lines 5-33).

wherein analyzing comprises estimating a proximity of the stored data items to any one or more of persons or current scheduled tasks (POI/EOI, Optimally arranged output, EOI arrays, Col. 53, lines 15-43 Col. 17, lines 1-44), based on an association proximity measure and at least one proximity measure (Col. 17, lines 1-44, Col. 22, lines 10-37).

DeLorme fails to disclose relevance score.

However, Liddy discloses relevance score (Col. 4, lines 1-2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to combine the teachings of Liddy with DeLorme because it would provide optimal trip planner and the proximity decision will be based on the relevance score.

As per claim 2, DeLorme discloses analyzing the relevance includes estimating a proximity of the stored data items to the any one or more of persons or current scheduled tasks, based on the combination of three proximity measures distance, time, association (POI/EOI, Col.17, lines 1-44, Col. 22, lines 19-37).

As per claim 3, DeLorme discloses step of analyzing the relevance further includes combining the at least three proximity measures into a single relevance (POI/EOI, Col.17, lines 1-44, Col. 22, lines 19-37).

DeLorme fails to disclose relevance score.

However, Liddy discloses relevance score (Col. 4, lines 1-2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to combine the teachings of Liddy with DeLorme because it would provide optimal trip planner and the proximity decision will be based on the relevance score.

As per claim 4, DeLorme discloses step of analyzing the relevance includes analyzing the proximity of information items to any one or more of the current scheduled tasks or persons (Col. 22, lines 19-37 and Col. 21-57 and Col. 19, lines 9-67).

As per claim 5, DeLorme discloses wherein the step of analyzing the proximity of information items includes measuring proximity in terms of **a** (Col. 22, lines 19-37 and Col. 21-57 and Col. 19, lines 9-67) combination of the association measure along with any one of location and/or time (POI/EOI, Optimally arranged output, EOI arrays, Col. 53, lines 15-43 Col. 17, lines 1-44).

As per claim 6, DeLorme discloses preloading selected sorted data to the computing device includes preloading the data to a communication device (Col. 12, lines 1-16).

As per claim 7, DeLorme discloses preloading the data to the communication device includes preloading the data to a mobile telephone (Col. 16, lines 32-52).

As per claim 8, DeLorme discloses preloading the data to the communication device includes preloading the data to a personal digital assistant (PDA) device (Col. 16, lines 32- 52).

As per claim 9, DeLorme discloses the step of preloading the data includes preloading the data to a personal computer (Col. 14, lines 20-67).

As per claim 10, DeLorme discloses identifying any one or more of current scheduled tasks or persons includes identifying events scheduled in a user's calendar, locations, and/or time frames (Col. 59, lines 35-67).

As per claims 11 and 19, DeLorme discloses a system for automatic relevance-based preloading information items to a computing device, comprising (Col. 48, lines 5-33):

a proximity estimator (Col. 32, lines 46-67) that determines a proximity of the information items to a user's task based on a combination of measures comprised at least an association proximity measure (POI/EOI, Col.17, lines 1-44, Col. 22, lines 19-37) and any one or more of two proximity measures: distance and time (Col. 22, lines 19-37),

a relevance estimator (Col. 32, lines 46-67) that combines the combination of measures into a single relevance (POI/EOI, Col.17, lines 1-44, Col. 22, lines 19-37);

an information retriever (Col. 32 lines 61-67) that retrieves information items (Col. 32 lines 61-67) with a relevance score higher than a predetermined threshold relevance (Col. 48, lines 5-33, zip code, phone exchange areas are setting relevance threshold); and

a device loader that processes (Col. 32 lines 61-67) the information items retrieved by the information retriever and automatically preloads (pre-arranged, Col. 46, lines 55-67, Col. 48, 30-33, transferring is preloading, Col. 14, lines 20-30) the retrieved information items to the computing device (Col. 14, lines 20-30 and Col. 12, lines 10-16).

DeLorme fails to disclose relevance score.

However, Liddy discloses relevance score (Col. 4, lines 1-2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to combine the teachings of Liddy with DeLorme because it would provide optimal trip planner and the proximity decision will be based on the relevance score.

As per claims 12 and 22, DeLorme discloses further including an information catalog that contains a list of the information items to which a user has access (classified geographical points of interest, Col. 47, lines8-59, Col. 28, lines 1-55, and Col. 24, lines 1-28).

As per claims 13, 20, and 23, DeLorme discloses the relevance estimator combines the combination of measures into a single relevance by weighting each of the proximity measures (Col. 75, lines 1-32) forming part of the combination.

DeLorme fails to disclose relevance score.

However, Liddy discloses relevance score (Col. 4, lines 1-2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to combine the teachings of Liddy with DeLorme because it would provide optimal trip planner and the proximity decision will be based on the relevance score.

As per claims 14 and 24, DeLorme discloses the relevance estimator combines the combination of measures (POI/EOI, Col.17, lines 1-44, Col. 22, lines 19-37) into a single relevance by computing a geometric mean of the proximity measures (Col. 75, lines 1-32) forming part of the combination of measures (array, sorting, Fig. 6, Col. 53, lines 1–44).

DeLorme fails to disclose relevance score.

However, Liddy discloses relevance score (Col. 4, lines 1-2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to combine the teachings of Liddy with DeLorme because it would provide optimal trip planner and the proximity decision will be based on the relevance score.

As per claim 15, DeLorme discloses the distance proximity measure includes a difference between a user's planned location for a given task and a location of a scheduled task (Col. 75, lines 1-32).

As per claims 16 and 26, DeLorme discloses the time proximity measure denotes immediacy of user's tasks (Col. 54, lines 57-67, Col. 72, lines 1-44).

As per claims 17 and 27, DeLorme discloses the association proximity measure denotes persons and contacts associated with a location and purpose of a given task (Col. 55, lines 20-29, Col. 72, lines 1-60).

As per claims 18 and 28, DeLorme discloses including a location tracker that determines the user's location (Fig. 9, Col. 55, lines 20-51, Col. 72, lines 1-7).

***(11)* New Grounds of Rejection**

An interview was conducted with agent of record, Samuel A. Kassatly (Reg. No. 32,247), on June 09, 2005, regarding 101 issues to claims 11,19, and 21. Attorney indicated that it was not necessary to reopen the prosecution. Claims 11, 19, and 21 are directed to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful and tangible result.

Claim Rejections - 35 USC § 101

Claims 11,19, and 21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claims raises a question as to whether the claims are directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete,

useful and tangible result. The various estimators, retriever, and loader are software constructs performing various functionalities. These functionalities do not manipulate any hardware or tangible entity. Therefore, these software constructs are non statutory entities as detailed in MPEP 2106.

(12) Response to Argument

Examiner has cited particular columns and line numbers in the references, as applied to the claims, above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in their entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In Brief the applicant argues that:

Argument: Threshold does not require any further clarification (Page 6).

Response: According to the applicants description of "threshold" in the context of claims it is used as a filtering criteria ("a relevance score higher than the relevance threshold"). Applicant's argument is persuasive, which

also has clarified the functionality of the term "setting threshold", therefore, the objection is withdrawn.

Argument: DeLorme does not disclose automatic relevance-based preloading data (page 11).

Response: DeLorme's system discloses the following **software capabilities**: (1) a map display graphic user interface enabling the TRIPS user to zoom to different scale maps with variable resolution or levels of detail, to pan or shift seamlessly to other map locations (i.e. different latitudes and longitudes) and to locate named places, **zip code or phone exchange areas**, street addresses or other landmarks and ordinary language geographic location and direction identifiers on the map display and related output, including printed maps and travel plans; (2) supplemental and/or updated information on points of **interest or POIs,** including multimedia on places near optimum computed travel routes, with at least some POIs topically classified e.g. as hotels, campgrounds, restaurants, public safety facilities, and so on;...(4) electronic communication or transfers of discrete, compact files of map-related information between remote computer devices equipped with compatible mapping technology; and/or (5) **transferring** of geographic data files to and from auxiliary

devices like highly portable GPS receivers or other **handheld digital travel aids** (Col. 48, lines 5-33).

In response to the applicant's arguments, Delorme teaches automatic relevance-based preloading (...hotels, camp grounds, restaurant etc. are relevant to the POI's of planned TRIP, transferring data files to handheld digital aid is automatic, it is done by the software using electronic communication... Col. 48, line 10; lines 19-23; lines 31-34) which is similarly disclosed in the applicant's specification on page 2, lines 20-23, that describes pre-loads before the occurrence of a trip; page 10, lines 1-7, which further clarifies preloading data into computing devices. Software is coded instructions (programs) that make a computer do useful work, which is an automatic process in itself.

Argument: DeLorme does not disclose analyzing the relevance (page 12).

Response: DeLorme's system teaches that TRIPS improves on CARS and Map'n'Go 1.0--for example, by the addition of temporal and/or transactional travel **information and database relations**. **POIs** in CARS and Map'n'Go 1.0 included **geographical and topical data records** such as latitude/longitude location information and multimedia describing particular hotels and restaurants. As shown in FIG. 3 in the present disclosure, the standard structure for TRIPS **data records includes discrete temporal**

and accounting data as well as geographic and topical information... **These added temporal contents and related database operations** are described in more detail hereinafter with particular reference to FIG. 6. Furthermore, standard TRIPS data records for a geographic point of interest or **POI like EAT** or HOTEL in FIG. 5 preferably also includes structural provisions for accounting (or travel arrangement or transactional) information...(Col. 49, lines 1-32).

In response to the applicant's arguments, Delorme teaches analyzing the relevance of the stored data to any or more of the currently scheduled tasks or person (...by addition of temporal and/or transactional travel information and database... Col. 49, lines 2-3) which is similarly disclosed in the applicant's specification on page 2, lines 20-22. It is the examiner's understanding that a planned trip in itself is a scheduled task.

Argument: DeLorme does not disclose sorting based upon the relevance (page 13).

Response: DeLorme's system further discloses POIs situated around a single location, a set of points or a computed route in TRIPS can further be sorted or filtered by topical, temporal, and/or transactional criteria--as detailed elsewhere in this disclosure, particularly regarding FIG. 8B. At least, the TRIPS Geographic Subsystem includes a plurality of spatially

related data records which the user is able to process, select, and/or include with text, graphical, and/or audio plan output (Col. 49, lines 51-59).

In response to the applicant's arguments, DeLorme teaches the sorting based upon the relevance to any one or more of the current scheduled task (Col. 49, lines 51-55). DeLorme reference reiterates the sorting and filtering techniques which happens to be a well known process in the software and database art.

Argument: DeLorme does not disclose setting a predetermined relevance threshold (page14)

Response: In response to the applicant's arguments, DeLorme teaches setting a predetermined threshold (...zip codes, phone exchange areas are interpreted as threshold or filtering criteria...Col. 48, lines 5-33; Col. 49, lines 51-55). An ordinary person skilled in the art would interpret "setting a threshold" as a filtering criteria (... a relevance score higher than the relevance threshold... Brief, argument 8.1, page 5). Thereby, the examiner agrees with the applicant that "setting up threshold" is nothing more than a filtering criteria citing higher than a relevance limit.

Argument: DeLorme fails to disclose relevance score, and automatic preloading based on relevance score that is higher than the relevance threshold (page15).

Response: Examiner respectfully disagrees, DeLorme teaches automatically preloading (...pre-arranged, transferring data files to handheld digital aid... Col. 46, lines 55-67;Col. 48, line 10; lines 30-34) selected sorted data to the computing device with a higher than the relevance threshold (...intended departure time, when, where, who to visit, or what to do, head/top of the array, sorting...Fig. 6, Col. 5, line 61; Col. 48, lines 25-33;Col. 53, lines 1–44; Col. 53, lines 15-44) which is similarly disclosed in the applicant's specification on page 2, lines 20-23, that describes pre-loads before the occurrence of a trip; page 10, lines 1-7 further clarifies preloading.

Argument: DeLorme does not disclose analyzing based on the association proximity and at least one proximity measure (page 16).

Response: In response to the applicant's arguments, DeLorme teaches the analyzing comprises estimating a proximity of the stored data items to any one or more of persons or current scheduled tasks, based on an association proximity measure and at least one proximity measure (...POI/EOI, Optimally arranged output, EOI arrays, temporal data... Col. 17, lines 1-44;Col. 53,

lines 15-43) which is similarly disclosed in the applicant's specification on pages 3 and 4, where the applicant describes temporal, distance, and association proximities. Furthermore, Liddy discloses relevance score (Col. 4, lines 1-2). It would have been obvious to one of ordinary skill in the art at the time invention was made to combine the teachings of Liddy with DeLorme because it would provide optimal trip planner and the proximity decision will be based on the relevance score.

Argument: The combination of DeLorme and Liddy does not disclose the present invention.

Response: examiner disagrees for similar reasons as stated above.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Mohammad Siddiqi
Examiner
Art Unit 2154
June 24, 2005

Conferees

Follansbee, John, (SPE AU 2154)

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Maung, Zarni, SPE (AU 2151)

ZARNI MAUNG
SUPERVISORY PATENT EXAMINER

PETER WONG, DIRECTOR
TECHNOLOGY CENTER 2100

SAMUEL A. KASSATLY LAW OFFICE
20690 VIEW OAKS WAY
SAN JOSE, CA 95120